

Mark-up of H.R. 5682
U.S.-India Peaceful Nuclear Cooperation
Promotion Act of 2006
Tuesday, June 27, 2006, 2172 Rayburn

Today's mark-up is of H.R. 5682. This bill is a modified version of H.R. 4974 which Mr. Lantos and I introduced last year at the request of Secretary Rice. I want to take a few minutes to explain the principal changes that have been made to that original proposal.

Over the course of the past several months, the Committee has held five hearings, benefited from the counsel of scores of experts across the country, had numerous briefings by Administration officials, and conducted extensive research, notably with the assistance of the Congressional Research Service. As a result of this comprehensive process, we now have much greater clarity regarding the many elements of this very complex subject. The knowledge gained has governed the crafting

of the legislation Mr. Lantos and I have introduced and that is now before this Committee

This new bill is based upon the Administration's original proposal but has been amended with several significant changes, the most prominent of which concerns the role of Congress. I must note at the outset that the original bill was conceived in a profoundly unsatisfactory manner in several respects. It would have granted the Administration an unprecedented and sweeping freedom of action by waiving almost wholesale the existing laws regarding civil nuclear commerce with foreign countries, even as it reduced the role of Congress to a bare minimum. In effect, Congress was being asked to vote to remove itself from the process almost entirely and abandon its constitutional role.

H.R. 5682 changes the process by which Congress will consider and pass judgment on a negotiated

agreement regarding civil nuclear cooperation with India. Whereas in the Administration's version, Congress would have been restricted to a relatively minor role of review and able to make its influence felt only with heroic effort, the new language restores its traditional role in these types of agreement. Once an agreement has been submitted to Congress, it must be approved by both houses by means of an unamendable Joint Resolution of Approval in an up-or-down vote.

To open the door to amendments to a negotiated agreement would in effect be to render the process of negotiation untenable. That approval, however, is by no means assured, so I would caution the Administration to pay close attention to Congressional concerns.

To further strengthen the role of Congress, a number of reporting requirements and other consultative measures have been added, but I will not describe those in

detail as they are comprehensible by a straightforward reading of the text.

A Sense of Congress section has been added that lays out conditions regarding when civil nuclear cooperation with other countries may be in order. In addition, there is a Statement of Policy section that clarifies U.S. policy in a number of areas, in particular the Nuclear Suppliers Group, the interpretation of the Nuclear Non-Proliferation Treaty, and a series of goals regarding India and South Asia.

Regarding the key section of the bill, namely the waivers to existing law needed to allow civil nuclear trade with India to proceed, the certifications the President will need to make have been significantly tightened and broadened, with a focus on ensuring that India actually accomplish several difficult goals that our two countries have already agreed must take place. Here again, the

provisions regarding the Nuclear Suppliers Group have been significantly strengthened.

That is a brief overview of the changes to the President's original proposal. I know there will be a number of amendments offered today. I should note that we have already gone to great lengths to incorporate several suggestions from members, all of which have improved the text. There are also some that have been put forward and considered but which we could not include for a variety of reasons, ranging from not being germane to imposing conditions on India or the Administration which would have the effect of killing any possibility of an agreement.

I do not intend to vote for any of the amendments of which I am aware and would ask the other members to refrain from doing so as well.

With that, I now turn to my good friend, Tom Lantos,
for any remarks he may wish to make.